

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

NICHOLAS DANIEL,

Plaintiff,

v.

CIVIL ACTION NO. 3:23-0712

DEBORAH PREECE, Wayne County Prosecutor,
RICK THOMPSON, Wayne County Sheriff,
BILLY DELL RUNYON, Wayne County Magistrate,
TFC J. J. DEAN III, West Virginia State Police Trooper,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Motions to Dismiss by Defendants Preece, Thompson, and Runyon (ECF Nos. 22, 24) be granted; that Runyon's Supplemental Motion to Dismiss (ECF No. 27), be denied, as moot; and that this civil action be dismissed against the forgoing defendants and they be removed as parties to this action. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge. Consistent with the findings and recommendations, the Court **ORDERS** that the Motions to Dismiss by Defendants Preece, Thompson, and Runyon (ECF Nos. 22, 24) be **GRANTED**; that Runyon's Supplemental Motion to Dismiss (ECF No. 27), be **DENIED**, as

moot; and that this civil action be **DISMISSED** against the forgoing defendants and they be removed as parties to this action.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 28, 2024

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE